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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,142	12/20/2000	Ageishi Narutoshi	NAKI-BN40	7208

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EXAMINER
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VENT, JAMIE J

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/745,142	NARUTOSHI ET AL.	
	Examiner	Art Unit	
	Jamie Vent	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 7-17 and 19-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 18 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)\*

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>04/2001</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of 1-6, 18, and 22 in the reply filed on October 18, 2004 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 18, and 22 are rejected under 35 U.S.C. 102(e) as being unpatentable by Nakata et al (US 2003/0091329).

#### **[claims 1, 18, & 22]**

In regard to Claims 1, 18, and 22 Nakata et al discloses a method and apparatus of editing server included in an audio/video (AV) editing system, which includes a plurality of clients that are connected via a network to the editing server, the editing server including:

- editing information receiving means for receiving editing information from a client out of the plurality of clients, wherein the editing information specifies at least one AV stream, at least one frame contained in the at least one AV stream, and an editing operation which contains at least one

of (a) a combining of each specified frame, and (b) an addition of a special effect each specified frame (Figure 1 shows an editing processing unit that receives editing information from various components. Furthermore, editing information is seen in Figure 12, wherein one frame is selected and editing operations such as special effects are applied to the frame through the user interface seen in Figure 13. This is further described in Paragraphs 0180 – 0196);

- AV stream obtaining means for obtaining each specified AV stream (Figure 1 shows the CPU 2a which obtains specified AV stream data as further described in Paragraphs 0066-0067);
- editing means for performing the editing operation for the obtained AV streams in accordance with the received editing information (Figure 1 editing processing unit 3 performs the various editing operations to the AV data streams as further described in Paragraphs 0068-0070); and
- transmitting means for transmitting each AV stream, for which the editing operation has been performed, to the client (Figure 1 on-air buffer 9 and the computer are connected to a local area network for transmitting the AV streams as further described in Paragraphs 0077-0078).

In regard to Claim 22, Nakata et al additional discloses the limitation of a computer readable recording medium, which stores programs to a server computer as part of the system (Figure 1 shows the CPU 2a which has readable recording medium as further described in Paragraphs 0066-0068).

**[claim 2]**

In regard to Claim 2, Nakata et al discloses an editing server further including:

- AV stream storing means for storing at least one AV stream (Figure 1 shows the local storage 8 for storing of the AV stream as further described in Paragraph 0076);
- wherein when the received editing information specifies at least two AV streams, at least two video frames in the at least two AV streams, and the combining as the editing operation, the AV stream obtaining means reads the at least two specified AV streams from the AV stream storing means (Paragraphs 0144-0150 describes the receiving of editing information from the local storage medium wherein two AV streams are obtained and read out of the storage area), and
- wherein the editing means performs the editing operation by combining the at least two specified video frames contained in the at least two read AV streams to generate an AV stream (Figure 15 shows the user able to select two AV streams to generate a new AV stream as further described in Paragraphs 0192-0199).

**[claim 3]**

In regard to Claim 3, Nakata et al discloses an editing server wherein as a result of the combining, the editing frame, and reduces a means generates a combined video

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resolution of the combined video frame (Paragraphs 0248-0255 describes the combining of editing frames which generates a combined video resolution of the edited frames).

**[claim 4]**

In regard to Claim 4, Nakata et al discloses an editing server further including:

- AV stream storing means for storing least one AV stream (Figure 1 storage medium 6a shows the storing means for the AV streams);
- wherein when the received editing information specifies the addition as the editing operation, the AV stream obtaining means reads the at least one specified AV stream from the AV stream storing means (Paragraphs 0074-0076 describes the obtained editing information is read from the storage means as further seen in Figure 1 lines 6b and 6c), and
- wherein the editing means performs the editing operation by adding a special effect to each specified frame contained in the at least one read AV stream (Figure 6 special effect block 53 adds special effects to the specified frame processed by the editing processing unit as further described in Paragraph 0127).

**[claim 5]**

In regard to Claim 5, Nakata et al discloses an editing server:

- wherein when the received editing information stream obtaining means receives the at least one specified AV stream from the client who sends

the editing information (Figure 1 shows the receiving of editing information from the client through lines s3, s4); and

- wherein the editing means performs the editing operation by adding a special effect to each specified frame contained the at least one received AV stream (Figure 6 special effect block 53 adds special effects to the specified frame processed by the editing processing unit as further described in Paragraph 0127)..

**[claim 6]**

In regard to Claim 6, Nakata et al discloses an audio-video (AV) editing system which comprises the editing server and a plurality of clients that are connected via a network to the editing server, wherein the plurality of clients each include:

- editing information generating means for generating editing information, which specifies at least one AV stream, at least one frame contained in the at least one AV stream, and an editing operation which contains at least one of (a) a combining of each specified frame and an addition of a special effect to each specified frame (Figure 1 shows an editing processing unit that receives editing information from various components. Furthermore, editing information is seen in Figure 12, wherein one frame is selected and editing operations such as special effects are applied to the frame through the user interface seen in Figure 13 and further combined to make a combined AV stream);

- editing information transmitting means for transmitting the generated editing information to the editing server (Figure 1 shows the connection of the server, computer, and clients through a local area network for transmitting the AV streams as further described in Paragraphs 0077-0078);
- stream receiving means for receiving an AV stream, for which the editing operation has been performed, from the editing server (Figure 1 shows the receiving of the AV streams to the storage medium 9, VTR 7, and local storage 8); and
- reproducing means for reproducing the received AV stream (Figure 1 shows the AV stream being transmitted to the VTR for reproducing of the received edited AV stream data).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

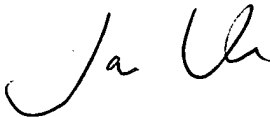
- Fujita et al (US 6292619);
- Narutoshi et al (US 2001/0004417).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

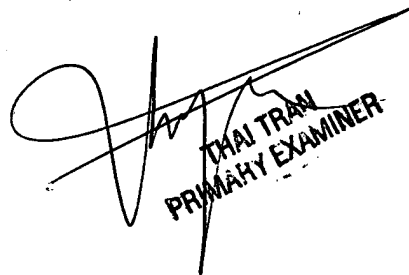


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 571-272-7375. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamie Vent



THAI TRAN  
PRIMARY EXAMINER